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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ARTURO TORRES OCHOA,)
 Plaintiff,)
 v.)
 RENEE BAKER,)
 Defendant.)
 _____)

3:15-cv-273-LRH-VPC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted a piece of correspondence to the Clerk of the Court which appears to be a cotton ball with blood and fecal matter. (See ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*. The Court does not interpret the piece of correspondence to be a properly filed complaint.

Pursuant to Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

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With respect to the correspondence and cotton ball containing blood and fecal matter, the Clerk of the Court is directed to file a copy of the correspondence. Further, the Clerk of the Court shall forward the original correspondence including the attached materials to the United States Marshal Service for review and determination of proper handling.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall send Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

9 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
10 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
11 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
12 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
13 administrative fee).

14 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court within
15 thirty (30) days from the date of this order.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
17 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

18 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
19 dismissal of this action may result.

IT IS FURTHER ORDERED that the Clerk of the Court shall file a copy of the correspondence and cotton ball containing blood and fecal matter.

22 IT IS FURTHER ORDERED that the Clerk of the Court shall forward the original
23 correspondence including the attached materials to the United States Marshal Service for
24 review and determination of proper handling.)

25 DATED: This 26 day of May, 2015.

United States Magistrate Judge